

St Nicholas with Bonvilston Community Council

Minutes of the Extraordinary Meeting of the St Nicholas with Bonvilston Community Council held at Trehill Hall on Wednesday 21st February 2019 at Trehill.

PRESENT: Cllr P Fisher (Chair) Cllr I Perry
Cllr F Spriggs Cllr S Thomas
Cllr G Rawson Cllr E del Torto
Cllr A Brown Cllr C Jones

ALSO PRESENT: N. McGarrigle (Clerk)
The Maes y Ffynnon Residents Association

APOLOGIES: Cllr K Ward

A further extraordinary meeting was called at the recent extraordinary meeting held on Wednesday 13th February to further discuss the Community Council's involvement with the Maes y Ffynnon Village Green application.

[1] PUBLIC FORUM: None

[2] APOLOGIES FOR ABSENCE: Cllr K Ward

[3] MYFRA Village Green Application:

- a) Sian Clarke of the MYFRA acknowledged that the CC were supportive of the objections which were put forward to them at the extraordinary meeting held on 13.02.19. SC summarized the MYFRA's current financial position towards the application and acknowledged that the CC would need to obtain their own quotes for legal advice if necessary.

The MYFRA and Cllr Fisher met separately on 18.02.19 for an informal catch up meeting.

The MYFRA confirmed they will be seeking advice from their own barrister for the time being as, at present, submitting the application is a priority. SC explained the application process to the Council and that submitting the application too quickly would put the MYFRA in a detrimental position. More evidence is still required for the application; finding the right balance and relevant content is important. Historical evidence is required. SC has contacted the Glamorgan Archives for further evidence.

- b) The CC sought advice from OVW on the legal position in supporting the application and it has been confirmed that if the Community Council wish to apply to register land as a Village Green, it can use either Section 137, The Power or Wellbeing, or Section 111 of the Local Government Act 1972 to pay the costs of the registration fees. The Community Council could use the Power of Wellbeing to pay the cost of the legal fees, subject to Section 137 limits, it could be claimed that registering the land as a village green would bring environmental and social benefit to the community, or alternatively, Section 111 is known as an ancillary power that gives a local council the power to do anything that will facilitate, be conducive to or incidental to the discharge of its powers and function.

OVW further confirmed that the MYFRA can contribute towards the cost of the Community Council engaging with a solicitor to oversee the process of the registering the land as long as contributions are given voluntarily and if any contribution is allocated to off set the costs of the legal advice and process.

- c) The Community Council confirmed that, in principle, they are willing to support the application although further research will need to be undertaken by the Community Council as to whether or not the Community Council can afford to commit to the ongoing costs associated with the application. Clarity will also need to be sought if the Community Council will need to lead the application and take full responsibility or if the Community Council and MYFRA can submit a joint application. The MYFRA questioned if we could dip in and out of the legal process depending on available funds.

The MYFRA confirmed that no further legal costs would be incurred from the barrister from checking the application.

The MYFRA also confirmed that a community event will be held on Saturday 2nd March. All welcome.

Actions

In preparation for the March meeting, it was **AGREED** that; the Clerk obtain 3 quotes for legal assistance, investigate who would need to take the lead on the application, contact OVW and confirm if legal power section 111 replace 137, if we can dip in and out of the legal process and enquire with N. Slater who would be responsible for the maintenance of the land if the application were successful.

It was **AGREED** that the Clerk submit 2 reports on behalf of the Community Council in response to the consultation; 1 response from the Community Council and an additional response from Cllr Perry. These will be submitted before 5pm on Friday 22nd February 2019 to Nathan Slater at the Vale.

AOB

Cllr Fisher shared with the Community Council that he had handed his resignation to the Clerk and will be stepping down as a Councillor as of the end of the meeting tonight. Cllr Fisher thanked the Councillor's for their continued support throughout his time as a Councillor and as Chair. The Councillor's wished him well and thanked him for his long-standing commitment towards the Community Council and that he will be greatly missed.

The Community Council invited the MYFRA to join them at their next ordinary meeting on Monday 4th March 2019 at 19:30pm at Trehill.

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Chairman

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Date